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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

CHIBARDUN TELEPHONE COOPERATIVE, INC.)
CTC TELCOM, INC.)

219
CC Docket No. 97-217

Petition for Preemption Pursuant to)
Section 253 of the Communications Act)
of Discriminatory Ordinances, Fees)
and Right-of-Way Practices of the)
City of Rice Lake, Wisconsin)

DOCKET FILE COPY

TO: The Commission

OPPOSITION TO MOTION FOR EXTENSION OF TIME

Chibardun Telephone Cooperative, Inc. and CTC Telcom, Inc. (collectively, "Chibardun"), by their attorney, hereby oppose the "Motion For Extension Of Time" filed in the captioned proceeding by the City of Rice Lake, Wisconsin ("City") on November 12, 1997.

Chibardun has sought the excavation permits necessary for construction of its proposed competitive local exchange facilities from the City since May, 1997, and already has been prevented by the City's anti-competitive refusals and delays from offering local exchange service in Rice Lake during 1997 and much of 1998. Given the relatively short construction season in northwestern Wisconsin, it is imperative that Chibardun receive grants of the subject permits (either from City or via a Commission preemption order) early in 1998 -- if Chibardun is to organize and complete during the 1998 season the construction necessary for it to provide service during late 1998 and 1999. Chibardun further notes that while the City has dragged its feet on Chibardun's permits since

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the Spring of 1997, the City has allowed the existing monopoly local exchange carrier (GTE), as well as the existing monopoly cable television operator (Marcus Cable), to proceed with plans to upgrade their systems.

Chibardun served its preemption petition directly on the City at the time that it was initially filed on October 10, 1997¹. Hence, the City has had five weeks to "conduct its investigations" and "coordinate the preparation and signing of affidavits." This period is much longer than that afforded for the preparation of pleadings in most Commission proceedings (where counsel and clients are often located much further apart than Madison and Rice Lake). The City has made no showing why it needs an extraordinary seven weeks to respond to Chibardun's October 10, 1997 petition, and should not be permitted to continue its delay tactics by the ploy of seeking extensions of time herein.

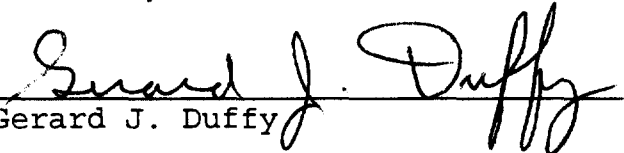
The City devotes a substantial portion of its motion to "justifying" an extension on behalf of a separate entity -- the League of Wisconsin Municipalities ("League"). This is a wholly inappropriate reason for delay in the filing of the City's response. If the League wishes to participate herein, it can file reply comments on December 8, 1997.

¹ Counsel is aware that counsel for the City contacted Commission personnel on or around the October 20, 1997 public notice date to request additional time for filing a response which the City apparently believed to be due at that time. The November 19, 1997 comment date specified in the Commission's October 20, 1997 public notice gave the City an additional month, which should have been more than enough time.

Undersigned counsel was approached by the City for an extension of time, and agreed as a courtesy to an extension of four additional working days to November 25, 1997. The City has misused counsel's courtesy by employing it as a partial justification for a much longer extension. Therefore, undersigned counsel hereby withdraws his consent to any extension at all.

Chibardun's attempt to construct and operate a competitive local exchange system in Rice Lake constitutes the very type of facilities-based competition that Section 253 and other portions of the Telecommunications Act of 1996 were intended to encourage. Chibardun's service plans have already been put off for a critical year by the City's delaying tactics. Under conditions where the City is allowing its preferred existing telecommunications monopolies to upgrade their systems, justice delayed for Chibardun is not only justice denied but also competition thwarted or precluded. The Commission should reject the City's delay tactics, and order this proceeding to move forward according to the original schedule for comments (November 19, 1997) and reply comments (December 8, 1997).

Respectfully submitted,
CHIBARDUN TELEPHONE COOPERATIVE, INC.
CTC TELCOM, INC.

By 
Gerard J. Duffy

Blooston, Mordkofsky, Jackson
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Dated: November 13, 1997

CERTIFICATE OF SERVICE

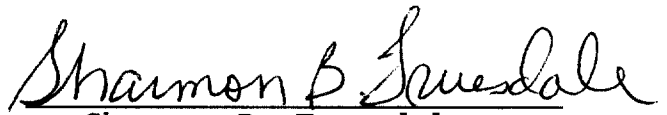
I, Sharmon B. Truesdale, an employee in the law firm of Blooston, Mordkofsky, Jackson & Dickens, hereby certify that on this 13th day of November, 1997, I did send by first-class mail, a copy of the foregoing "Opposition to Motion for Extension of Time" to the following individuals:

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